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SAUDI ARABIA

Submission by:

ADF International
Chemin du Petit-Saconnex 28
1209 Geneva, Switzerland

Web: www.adfinternational.org
Email: gmazzoli@adfinternational.org

Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Cooperation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report focuses on the ways in which Saudi Arabia must protect and promote the right to freedom of religion or belief.

(a) Religious Freedom

3. Saudi Arabia is home to around 1,406,000 Christians, constituting approximately 4% of its population of 32,743,000.¹ These Christians include Orthodox, Copts, Roman Catholics, and Protestants. It is difficult to obtain precise statistics because of the secrecy in which Saudi Christians must live. However, reports suggest the number of Christians in Saudi Arabia has been growing modestly in recent years.²
4. Mohammed bin Salman, the Crown Prince of Saudi Arabia, has recently spoken positively of the value of religious freedom. During a visit to the United Kingdom this year, he acknowledged the importance for leaders of all religious faiths to promote freedom of religion.³ In a speech in Riyadh last year, he promised that the Kingdom would return “to what [it was] before: a country of moderate Islam that is open to all religions and to the world.”⁴ In that speech, he also seemed to recognize that policies restricting religious freedom, implemented at the behest of Islamic extremist factions, have harmed Saudi government and civil society as a whole.⁵ These are encouraging statements, and if the Crown Prince keeps his word on religious freedom, he will do profound service to his entire people and to the international community.
5. According to Saudi Arabia’s 1992 Basic Law of Governance, the Kingdom’s official religion is Islam and its constitution is the Quran and the Sunna.⁶ The Basic Law of

¹ OPEN DOORS, WORLD WATCH LIST: SAUDI ARABIA, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/saudi-arabia/> (last accessed Mar. 20, 2018).

² *How Easy Is It to Live As a Christian in the Arab Peninsula?*, WORLD WATCH MONITOR (Feb. 20, 2017), <https://www.worldwatchmonitor.org/2017/02/how-easy-is-it-to-live-as-a-christian-in-the-arabian-peninsula/>.

³ Harry Farley, *Saudi Crown Prince Vows to Promote Religious Freedom in Meeting With Welby*, CHRISTIANITY TODAY (Mar. 8, 2018), <https://www.christiantoday.com/article/saudi-crown-prince-vows-to-promote-religious-freedom-in-meeting-with-welby/127074.htm>.

⁴ Jayson Casper, *The Game of Thrones Christians Should Be Watching*, CHRISTIANITY TODAY (Nov. 16, 2017), <http://www.christianitytoday.com/news/2017/november/game-of-thrones-christians-saudi-arabia-prince-lebanon.html>.

⁵ *Id.*

⁶ BASIC LAW OF GOVERNANCE art. 1.

Governance repeatedly asserts the primacy of Sharia in the Saudi legal system.⁷

6. All Saudi citizens are required to be Muslim. Non-Muslims are required to convert before they can be eligible for naturalization.⁸
7. Although Saudi Arabia generally tolerates private non-Muslim religious practices, it prohibits public non-Muslim religious activities. Severe punishments for public religious activities, combined with arbitrary enforcement of these prohibitions, force non-Muslims to worship clandestinely and expose those who attempt to live their religious beliefs publicly to imprisonment or flogging. Moreover, Saudi authorities often raid non-Muslim religious gatherings, even when these gatherings take place in private.⁹
8. Such reprisals violate Article 18(1) of the International Covenant on Civil and Political Rights (ICCPR), which guarantees freedom of worship, both individually and in community with others. Although Saudi Arabia is not a party to the ICCPR, the right to freedom of religion is widely considered a fundamental right that all States—and certainly Members of the United Nations—must guarantee. Further, all UN Member States have ratified the UN Charter, which in Article 55(c) recognizes that the UN shall promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.” Saudi Arabia is therefore, as a Member of the UN, obligated to protect the human rights and fundamental freedoms of the people within its borders, freedom of religion included.
9. Open Doors, an international organization dedicated to supporting persecuted Christians, currently ranks Saudi Arabia at number 12 in its list of countries where Christians experience the most persecution. Open Doors notes that Muslim converts to Christianity bear the brunt of persecution, risking both official punishment and extra-judicial reprisals, including murder. However, all Christians in Saudi Arabia “risk imprisonment, physical abuse and threats on their lives,” and “[t]he ongoing rape and sexual harassment of Christian women is particularly concerning.”¹⁰
10. Not a single Christian church building exists in Saudi Arabia, and Christians—even foreigners visiting Saudi Arabia—are forced to worship in secrecy. Police frequently raid house churches and other private religious gatherings.¹¹

⁷ See, e.g., *id.* art. 17, 23, 26, 46.

⁸ FREEDOM HOUSE, 2018 SAUDI ARABIA PROFILE, <https://freedomhouse.org/report/freedom-world/2018/saudi-arabia> (last accessed Mar. 18, 2018) (“Islam is the official religion, and all Saudis are required by law to be Muslim.”).

⁹ *Id.*

¹⁰ OPEN DOORS, WORLD WATCH LIST: SAUDI ARABIA, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/saudi-arabia/> (last accessed Mar. 20, 2018).

¹¹ *Id.*; see also Casper, *supra* note 4.

11. Blasphemy is a crime punishable by death.¹² Although actual imposition of the death penalty is relatively rare, individuals are regularly arrested, charged, and punished for blasphemy. Several blasphemy prosecutions have attracted high-profile international attention, generally involving artists and political dissidents.¹³ The State's aggressive prosecution of blasphemy charges for the expression of ideas severely chills public discourse and discourages individuals in Saudi Arabia from expressing any ideas that might run afoul of the official orthodoxy. This violates ICCPR Articles 18(1) and 19, which protects freedom of expression.
12. Apostasy is also a crime punishable by death, imprisonment, and flogging.¹⁴ As the case of the poet Ashraf Fayadh illustrates, individuals can be convicted of apostasy merely on the basis of having expressed ideas critical of, offensive to, or incompatible with the State's official interpretation of Islam. This constitutes "complete intolerance of anyone who may not share government-mandated religious, political, or social views."¹⁵
13. Laws punishing apostasy violate Article 18(1) of the ICCPR. As reaffirmed by the Human Rights Committee (HRC) in its General Comment No. 22, the right to freedom of religion includes the "freedom to have or adopt a religion or belief of [one's] choice," and the right to "replace one's current religion or belief with another or adopt atheistic views, as well as the right to retain one's religion or belief."¹⁶ Article 18(2) of the ICCPR states, "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice." The HRC interprets such coercion to include the "[u]se of threat or physical force or penal sanctions" and policies and practices that "restrict[] access to education, medical care, [and] employment."
14. Many Christian converts must even hide their faith from their own families. One such convert, a woman who would only speak on condition of anonymity, lives in complete secrecy, knowing that her Muslim husband could legally beat her, divorce her, or even kill her if he finds out.¹⁷ Another, a man using the pseudonym Mohammed,

¹² GEORGETOWN UNIVERSITY, BERKLEY CENTER FOR RELIGION, PEACE & WORLD AFFAIRS, NATIONAL LAWS ON BLASPHEMY: SAUDI ARABIA, <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-man-sentenced-death-atheism-ahmad-al-shamri-hafar-al-batin-appeal-denied-a7703161.html> (last accessed Mar. 18, 2018).

¹³ See, e.g., Bethan McKernan, *Man "Sentenced to Death for Atheism" in Saudi Arabia*, THE GUARDIAN (Apr. 26, 2017), <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-man-sentenced-death-atheism-ahmad-al-shamri-hafar-al-batin-appeal-denied-a7703161.html>.

¹⁴ *Not Advised: Apostasy and Islam*, THE ECONOMIST (Mar. 23, 2016), <https://www.economist.com/news/middle-east-and-africa/21695542-penalties-turning-away-islam-can-be-quite-stringent-not-advised>.

¹⁵ David Batty, *Saudi Court Sentences Poet to Death for Renouncing Islam*, THE GUARDIAN (Nov. 20, 2015), <https://www.theguardian.com/world/2015/nov/20/saudi-court-sentences-poet-to-death-for-renouncing-islam> (quoting Adam Coogle, Middle East researcher for Human Rights Watch).

¹⁶ Human Rights Committee in its General Comment No. 22, 5.

¹⁷ Lindy Lowry, *In Saudi Arabia, A Christian Mom's Secret Faith Survives in Silence*, OPEN DOORS (Feb. 6, 2018), <https://www.opendoorsusa.org/christian-persecution/stories/saudi-arabia-christian-moms-secret-faith-survives-silence/>.

became Christian last year but could not tell his wife or family.¹⁸ Not only does the threat of persecution for conversion violate these individuals' basic human rights, it undermines the rule of law and perpetuates a situation in which nobody, including the Saudi government, can accurately assess the true beliefs of the Saudi people.

15. The Saudi government aggressively censors expression of religious beliefs and ideas, excluding minority religious beliefs from expression on TV or radio, denying licenses to minority-religion bookstores, and blocking or shutting down websites and social media accounts for containing "ill-informed" and "objectionable" views on religion.¹⁹
16. Under Saudi law, non-Muslims are banned from entering the cities of Mecca and Medina. Non-Muslim travelers who pass near those cities risk being turned back, redirected, or fined by officials; they can be deported if they enter the cities.²⁰
17. Under Sharia, non-Muslims receive discriminatory legal treatment in many areas of the Saudi legal system. For example, a non-Muslim is entitled to only a fraction of what a Muslim would receive for accidental death or injury; also, non-Muslims (and Muslims whom a judge deems deficient in their knowledge or practice of Islam) suffer evidentiary disadvantages when serving as witnesses.²¹

(c) Recommendations

18. In light of the aforementioned issues raised, ADF International suggests the following recommendations be made to Saudi Arabia:
 - a. Implement legal reforms recognizing the freedom to practice religion in accordance with one's own conscience or beliefs, and the freedom to express ideas about religion, as fundamental legal principles, consistent with the requirements of international law;
 - b. Ensure that the right to freedom of religion or belief is promoted and protected in Saudi Arabia, and that non-Muslim individuals are not prosecuted or persecuted for their beliefs by either the State or society, and that Muslims are permitted to leave Islam and adopt another religion or belief without fear of legal sanction;
 - c. Repeal all blasphemy laws, apostasy laws, and prohibitions on proselytization and public practice of non-Muslim religions, and ensure that the freedom of

¹⁸ Janelle P., *New Believer in Saudi Arabia Lives a Dangerous Faith*, OPEN DOORS (Apr. 21, 2017), <https://www.opendoorsusa.org/christian-persecution/stories/new-believer-in-saudi-arabia-lives-a-dangerous-faith/>.

¹⁹ FREEDOM HOUSE, FREEDOM ON THE NET 2017: SAUDI ARABIA COUNTRY PROFILE, <https://freedomhouse.org/report/freedom-net/2017/saudi-arabia> (last accessed Mar. 18, 2018).

²⁰ Burak Bekdil, *Extremist Muslims' One-Way Street*, GATESTONE INSTITUTE (Feb. 24, 2017), <https://www.gatestoneinstitute.org/9935/extremist-muslims>.

²¹ *Saudi Arabia—Religion*, GLOBALSECURITY.ORG, <https://www.globalsecurity.org/military/world/gulf/sa-religion.htm> (last accessed Mar. 18, 2018).

expression is protected and promoted to the fullest extent required under international law; and

- d. Amend or abolish all laws that discriminate on the basis of religious affiliation, including Sharia provisions that result in disparate treatment in Saudi courts.



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